

**MINUTE ENTRY
FALLON, J.
December 23, 2002**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: PROPULSID : **MDL NO. 1355**
: **PRODUCTS LIABILITY LITIGATION** : **SECTION "L"**
: **JUDGE FALLON**
..... :

THIS DOCUMENT RELATES TO ALL CASES

The Court has before it the Plaintiffs' Motion to Compel Discovery Responses and for Discovery Sanctions relating to the production of the defendants' electronic calendars. This matter was set for hearing with oral argument on this date before the Court. Daniel E. Becnel, Jr., argued for the plaintiffs, and Tom Campion argued for the defendants. The Court Reporter was O. J. Robert.

For the following reasons, given orally at the hearing, the Court DENIED the plaintiffs' motion:

1. The Court found that nothing of substance would be obtained by granting the motion because the calendars would not show whether a witness attended a meeting, only that such a meeting was scheduled;
2. The Court found that such production of documents would be too burdensome, both economically and in time, for any expected benefits;
3. The Court found that electronic calendars were never contemplated to be included in electronically produced material. The parties negotiated the type of electronic material

that would or should be produced, and these electronic calendars were not included.

To include the calendars now and make the defendants revisit all of their prior material would be unduly burdensome at this stage in the litigation; and

4. Finally, defendants informed the Court in their brief in opposition to the plaintiffs' motion as well as during oral arguments to the Court that they had turned over the electronic calendars of two of the three employees identified by the plaintiffs in their motion (Lauwers, Reyn, and Vermeulen). Defendants further indicated that the third employee's calendar would be turned over by the end of the date of this hearing.